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 RELATED LITIGATION

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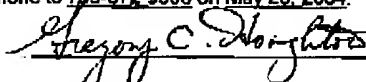
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May 28, 2004

## Certificate of Transmission under 37 CFR 1.8

I hereby certify that this correspondence, 5 pages in length, is being facsimile transmitted to the United States Patent and Trademark Office via telephone to 703-872-9306 on May 28, 2004.

Gregory C. Houghton



Name

Signature

Commissioner of Patents  
 Mail Stop Box RCE  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Re: U.S. Patent Application Serial No. 09/890,562  
 AGENT FOR PREVENTING AND CURING ARTERIOSCLEROSIS  
 Our Ref. 4296-145 US

Dear Sir or Madam:

This letter is in response to a telephone conference today with Examiner Maier in connection with the above-referenced U.S. Patent Application. Examiner Maier stated that the original documents have not been entered into the United States Patent and Trademark database and requested that we forward, via facsimile, copies of the following documents:

1. A duplicate of the Request For Continued Examination
2. A copy of the stamped dated received, return receipt postcard acknowledging receipt by the USPTO.

Please acknowledge receipt of the documents via return facsimile.

MATHEWS, COLLINS, SHEPHERD & McKAY, P.A.

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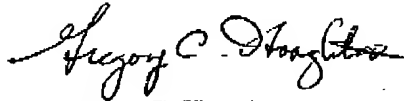
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Thank you for your assistance in this matter.

If you have any questions please feel free to contact us.

Very truly yours,

MATHEWS, COLLINS, SHEPHERD & McKAY, P.A.



Gregory C. Houghton

GCH/mc

PTO/SB/30 (08-03)

Approved for use through 07/31/2008. OMB 0651-0031

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# **REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL**

Address to:  
Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Application Number	09/890,562
Filing Date	August 1, 2001
First Named Inventor	Yoshikawa, T. et al.
Art Unit	1623
Examiner Name	Kathleen Kahler Fonda
Attorney Docket Number	4296-145 US

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

- Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

a. ☒ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_

ii. ☐ Other \_\_\_\_\_

b. ☐ Enclosed

i. ☐ Amendment/Reply      iii. ☐ Information Disclosure Statement (IDS)

ii. ☐ Affidavit(s)/Declaration(s)      iv. ☐ Other \_\_\_\_\_
- Miscellaneous**

a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(l) required)

b. ☐ Other \_\_\_\_\_
- Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

a. ☐ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. \_\_\_\_\_

i. ☐ RCE fee required under 37 CFR 1.17(e)

ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)


iii. ☐ Other \_\_\_\_\_

b. ☒ Check in the amount of \$ 750.00 enclosed

c. ☐ Payment by credit card (Form PTO-2038 enclosed)

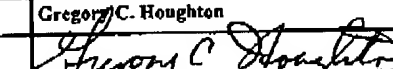
**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

## **SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print / Type)	Gregory C. Houghton	Registration No. (Attorney / Agent)	47,666
Signature		Date	02/5/2004

## **CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print / Type)	Gregory C. Houghton	Date	02/5/2004
Signature			

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing the burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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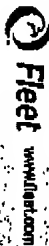
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011173 0212003390 09027 04206

TITLE: Agent for Preventing and Curing  
Arteriosclerosis

CASE NO.: 4296-145 US

SERIAL NO.: 09/870,562

The Patent and Trademark Office acknowledges, and has stamped hereon, the date of the receipt of the items checked below and acknowledges authority to charge all fees to Account 13-2165.

☐ PATENT APPLICATION - COMPLETE WITH:

- ☐ FEE AUTHORITY (x2) ☐ CHECK  
☐ PRIORITY DOCUMENT  
☐ SHEETS OF (IN) FORMAL DRAWINGS  
☐ DECLARATION & POWER OF ATTORNEY  
☐ EXPRESS MAIL CERT. #  
☐ SMALL ENTITY STATEMENT

- ☐ AMENDMENT ☐ ASSIGNMENT ☒ CHECK ☐ APPEAL NOTICE  
☐ APPEAL BRIEF ☐ LETTER ☐ PETITION  
☐ PRELIMINARY STATEMENT ☐ PRIOR ART STATEMENT  
☐ STIPULATION ☐ EXTENSION OF TIME  
☐ NOTICE OF OPPOSITION

ISSUE FEES: ☐ BASE ISSUE ☐ SUPPLEMENTAL

- ☐ CERTIFICATE OF CORRECTION  
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☐ DRAWING ☐ SPECIMEN (x5)  
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☐ CHECK  
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☒ Request for Continued Examination  
☒ Postcard

MATHEWS, COLLINS, SHEPHERD & McKAY

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FEB 13 2004

